

Message Text

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FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC 6577

C O N F I D E N T I A L SECTION 1 OF 3 BUENOS AIRES 5568

DEPT PASS MARINE MAMMAL COMMISSION

FROM USDEL ANTARCTIC

E.O. 11652 GDS

TAGS XV, TGEN, EFIS, AR

SUBJECT SECOND SPECIAL CONSULTATIVE MEETING ON ANTARCTIC LIVING
MARINE RESOURCES - BUENOS AIRES SESSION

1. SUMMARY. FIRST TWO DAYS OF BUENOS AIRES MEETING ON
ANTARCTIC MARINE LIVING RESOURCES HAVE EVIDENCED WORKMAN-
LIKE ATMOSPHERE, WITH MEETING GETTING OFF TO COMPARATIVELY
FAST START. BY END OF SECOND DAY DELEGATES WERE COMING
TO GRIPS WITH THE ISSUES. ALL DELEGATIONS ARE
SUPPORTING IN GENERAL THE CHAIRMAN'S TEXT FROM THE
CANBERRA MEETING, WHILE RAISING ONE OR TWO MATTERS THAT
NEED FURTHER DISCUSSION. THE MOST IMPORTANT OF THESE
MATTERS RELATES TO THE JURIDICAL ARTICLES, DECISION-
MAKING, AND THE CONSERVATION STANDARD. ALSO, FINANCING,
INSPECTION, EEC PARTICIPATION, AND INTERIM MEASURES
HAVE BEEN IDENTIFIED AS PROBLEMS. IT IS LIKELY THAT
THIS MEETING WILL MAKE USE OF HEADS OF DELEGATION
MEETINGS TO SEEK TO RESOLVE MOST MATTERS. INITIAL
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DECISION HAS BEEN MADE FOR HEADS OF DELEGATION TO TAKE
UP JURIDICAL AND DECISION-MAKING ISSUES, WHILE ESTAB-
LISHING AD HOC WORKING GROUP CHAIRIED BY DICK LAWS
OF THE UK TO WORK ON CONSERVATION ISSUES. VERY
GENERALLY, CLAIMANT STATES ARE SUPPORTING CHAIRMAN'
TEXT WHILE SOVIETS ARE LEADING ATTACK ON CONSERVATION
ARTICLES AND THE JAPANESE ARE LEADING THE ATTACK ON

THE JURIDICAL ARTICLES. NO DELEGATIONS SEEMS PARTICULARLY HAPPY WITH VOTING FORMULA IN CHAIRMAN'S TEXT. END SUMMARY.

2. BUENOS AIRES SESSION OF THE SECOND SPECIAL CONSULTATIVE MEETING ON ANTARCTIC MARINE LIVING RESOURCES OPENED ON JULY 17 WITH STATEMENT BY ARGENTINE FOREIGN MINISTER MONTES. HIS STATEMENT EMPHASIZED THE IMPORTANCE OF ANTARCTICA TO HIS COUNTRY, STRESSED THE GEOPOLITICAL REALITIES IN WHICH ANTARCTIC ISSUES MUST BE ADDRESSED, NOTED THE 74-YEAR ARGENTINE PRESENCE IN ANTARCTICA, AND RECALLED HIS COUNTRY'S LEADERSHIP IN CONSERVATION. HE ALSO STRESSED THE IMPORTANCE OF THE ANTARCTIC TREATY, BUT NOTED THAT THE LIVING RESOURCES ISSUE WAS A NEW SITUATION. HE ASKED THAT THE DELEGATIONS EXAMINE THE CANBERRA TEXT CLOSELY IN ORDER TO DEVELOP A REGIME TO PROTECT THE ANTARCTIC ECOSYSTEM. GENERALLY, FOREIGN MINISTER'S STATEMENT WAS FAIRLY BALANCED AND WELL RECEIVED.

3. FOLLOWING FOREIGN MINISTER'S DEPARTURE, SESSION ELECTED AS CHAIRMAN AMBASSADOR RAUL MEDINA MUNOZ WHO HAD LED ARGENTINE DELEGATION AT CANBERRA SESSION. THE CHAIRMAN PROPOSED THAT THE MEETING PROCEED ON BASIS OF THE AGENDA DEVELOPED AT CANBERRA AND SET CONFIDENTIAL

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GOAL OF SESSION AS DEVELOPMENT OF A SINGLE TEXT FOR APPROVAL OF GOVERNMENTS, AND THIS WAS ACCEPTED.

4. OPENING STATEMENTS WHICH FOLLOWED WERE PREDICTABLE, ALTHOUGH SEVERAL DELEGATIONS MADE STATEMENTS CONTAINING MORE SUBSTANCE THAN USUAL. GENERALLY ALL DELEGATIONS PRAISED THE CHAIRMAN'S TEXT AND THE WORK DONE IN CANBERRA THOUGH MOST DELEGATIONS NOTED THAT THERE WERE ISSUES WHICH NEEDED FURTHER WORK. SPEAKERS NOTED THE URGENT NEED TO COMPLETE DRAFT AND TO PROVIDE FOR EFFECTIVE CONSERVATION AND SCIENTIFIC COORDINATION.

-- ARGENTINA INDICATED IT WOULD PROPOSE A RESERVED AREA OFF THE ANTARCTIC COAST FOR QUOTE ECOLOGICAL PURPOSES END QUOTE IN WHICH ALL ACTIVITIES WOULD BE PROHIBITED EXCEPT THOSE QUOTE CONSISTENT WITH THE ANTARCTIC TREATY END QUOTE. THE UK, FRANCE, AND BELGIUM ALL NOTED THAT THE QUESTION OF EEC PARTICIPATION WOULD HAVE TO BE DEALT WITH. CHILE FOR FIRST TIME PUBLICLY INDICATED ACCEPTANCE THAT NEW CONVENTION MIGHT BE OPEN TO STATES OTHER THAN ANTARCTIC TREATY PARTNERS. JAPAN INDICATES SIGNIFICANT DIFFICULTIES WITH JURIDICAL

ARTICLES, BUT DID NOT MENTION COMPARABLE DIFFICULTIES WITH CONSERVATION APPROACH. USSR INDICATED DIFFICULTIES WITH BOTH THE JURIDICAL ARTICLES AND CONSERVATION APPROACH. US OPENING STATEMENT REPORTED SEPTEL.

5. DURING AFTERNOON OF FIRST DAY CHAIRMAN NOTED THAT THIS SESSION WAS TO TAKE UP WHERE THE CANBERRA SESSION LEFT OFF, AND HE ASKED FOR A PRESENTATION AND EXPLANATION OF EACH DELEGATION'S POINT OF VIEW ON THE CHAIRMAN'S DRAFT. ALL DELEGATIONS MADE STATEMENTS EXCEPT FOR NORWAY AND SOUTH AFRICA. SPEAKERS ALL INDICATED IN SOME MANNER SUPPORT FOR USING CHAIRMAN'S DRAFT FOR CONTINUING NEGOTIATIONS.

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--A. CHILE BEGAN BY NOTING THAT FAO EXPECTED CONCRETE RESULTS FROM THIS FORUM, AND THEREFORE CONSULTATIVE PARTIES HAD AN INCENTIVE TO SUCCEED. WITH REGARD TO CHAIRMAN'S DRAFT, CHILE SOUGHT TO STRENGTHEN TIES TO ANTARCTIC TREATY AND CONTINUED TO SUPPORT SPECIAL VOTING ROLE FOR CONSULTATIVE PARTIES, AND PROPOSED THAT NON-CONSULTATIVE PARTIES TO THE ANTARCTIC TREATY SHOULD HAVE THE RIGHT OF PARTICIPATE AS OBSERVERS IN THE COMMISSION. CHILE NOTED THAT JURIDICAL ARTICLES WERE ACCEPTABLE AS A BOTTOM LINE,

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C O N F I D E N T I A L SECTION 2 OF 3 BUENOS AIRES 5568

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CONTINUED TO SEEK UNANIMITY VOTING SYSTEM, SUPPORTED
INTERIM MEASURES, AND PROPOSED ACTIVITIES ON ANTARCTIC CONTINENT.

--B. JAPAN: JAPANESE STATEMENT CONTAINED STRONG ATTACK
ON BIFOCAL JURIDICAL APPROACH (JURIDICAL ARTICLES BEING
SUBJECT TO TWO INTERPRETATIONS) SAYING THAT IT WAS NOT
BALANCED AS A LEGAL MATTER, AND THAT AMBIGUITY WOULD
ONLY LEAD TO PROBLEMS IN IMPLEMENTING THE CONVENTION.
JAPAN WOULD LIKE LESS AMBIGUOUS JURIDICAL ARTICLES WITH
A CLEAR DISTINCTION OF THEIR APPLICABILITY OR NON-
APPLICABILITY NORTH AND SOUTH OF 60 DEGREES SOUTH
LATITUDE. STATEMENT ALSO SOUGHT REVISION IN VOTING
FORMULA AND A LESS DETAILED INSPECTION AND OBSERVATION
SYSTEM. JAPANESE STATEMENT FOCUSED ENTIRELY ON THESE
ASPECTS OF DRAFT CONVENTION AND DID NOT ATTACK CON-
SERVATION STANDARD OR ECOLOGICAL APPROACH.

--C. BELGIUM: BELGIUM NOTED THAT IT COULD SUPPORT
DRAFT CONVENTION TEXT, SO LONG AS IT WOULD PROVIDE FOR
EEC PARTICIPATION.

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--D. UK: UK STATEMENT OPENED UP WITH ARTICLE II, THE
CONSERVATION STANDARD, NOTING THAT IT SHOULD BE IMPROVED
WITH RATIONAL USE IN MIND. UK STATEMENT ALSO NOTED
THAT FINANCIAL ARRANGEMENTS HAD TO BE DECIDED BY THE
TEXT AND WOULD NOT BE LEFT FOR A DECISION BY A FUTURE
COMMISSION. OTHER ISSUES RAISED BY UK STATEMENT
INCLUDED THE VOTING PROCEDURES, WHO SHOULD ATTEND
THE DECISIVE MEETING, AND HOW TO PROCEDURALLY DEAL
WITH INTERIM MEASURES. IN THIS REGARD THE UK
PROPOSED THAT SCIENTISTS ON THE VARIOUS DELEGATIONS
SHOULD CONSULT TO DETERMINE THE DATA AVAILABLE FOR
DECISION-MAKING.

--E. POLAND: POLAND IDENTIFIED ITSELF WITH JAPANESE
STATEMENT ON JURIDICAL ARTICLES AND INSPECTION
SYSTEM; IT ALSO ADVANCED A VOTING PROPOSAL THAT
AT ALL
IMPORTANT DECISION BE TAKEN BY CONSENSUS.

--F. USA: US STATEMENT BEGAN WITH ADVANCING OUR

CONCERN WITH VOTING SYSTEM OF CHAIRMAN'S TEXT AND OUTLINING US POSITION OF TWO-THIRDS PLUS OBJECTION PROCEDURES. WE INDICATED THAT IT WAS POSSIBLE TO ACHIEVE BALANCE BETWEEN CLAIMANT AND NON-CLAIMANT, FISHING AND NON-FISHING INTERESTS WITHIN SUCH A FURMULA. US STATEMENT REITERATED US SUPPORT FOR A BIFOCAL APPROACH, SINCE THAT WAS THE ONLY PROPOSAL WE HAD SEEN THAT HAD BROUGHT CLAIMANTS AND NON-CLAIMANTS TOGETHER, BUT INDICATED READINESS TO SEEK OTHER SOLUTIONS. STATEMENT EMPHASIZED US CONCERN FOR AN ECOSYSTEM APPROACH; A STRONG INSPECTION AND OBSERVATION SYSTEM; A NEED TO CLARIFY FINANCIAL ARRANGEMENTS IN THE DRAFT; INTERIM CONFIDENTIAL

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MEASURES; AND ARRANGEMENTS FOR THE DECISIVE MEETING.

--G. USSR: SOVIETS EMPHASIZED THAT PURPOSE OF THE CONVENTION SHOULD BE TO PROVIDE FOR RATIONAL USE ON THE BASIS OF THE BEST SCIENTIFIC EVIDENCE AVAILABLE. SOVIETS SEEK CHANGES IN THE CONSERVATION STANDARD AND GENERAL ECOSYSTEM APPROACH. SOVIETS ALSO FOUND JURIDICAL ARTICLES PREJUDICIAL, CALLED FOR A CONSENSUS VOTING SYSTEM, AND A SIMPLER AND MORE GENERAL INSPECTION AND OBSERVATION SYSTEM.

--H. ARGENTINA: ARGENTINA INDICATED GENERAL ACCEPTANCE OF JURIDICAL ARTICLES, BUT SOUGHT ASSURANCE THAT COASTAL STATE JURISDICTION NORTH OF 60 DEGREES SOUTH LATITUDE WAS PRESERVED. ON CONSERVATION MATTERS, ARGENTINA STATED THAT RATIONAL USE SHOULD OT BE AN OBJECTIVE OF THE CONVENTION, AND GENERALLY SOUGHT TO STRENGTHEN CONSERVATION APPROACH BY SUGGESTING SEVERAL DRAFTING CHANGES. ARGENTINA INDICATED SOME FLEXIBILITY ON VOTCNG, SUPPORTED INTERIM MEASURES, ASKED THE EEC TO MAKE A SPECIFIC PROPOSAL, AND AGREED THAT FINANCIAL ASPECTS HAD TO BE DELAT WITH IN THE CONVENTION. ARGENTINA MADE NEW PROPOSAL ON A PROTECTIVE ZONE OR RESERVE AREA. THIS AREA WOULD BE DESCRIBED IN TERMS OF SPECIFIC MILEAGE OF A DEPTH CRITERIA OFF THE ANTARCTIC COAST. WITHIN THIS ZONE, COMMERCIAL ACTIVITIES WOULD BE EXCLUDED AND THE PROVISIONS OF THE ANTARCTIC TREATY (IE PAST PRACTICE) WOULD BE MAINTAINED. IN PRIVATE ARGENTINES HAVE INDICATED THAT ZONE WOULD BE 50 MILES OFF ANTARCTIC COAST, OR ALTERNATIVELY OUT TO 1000 METER ISOBATH.

--I. AUSTRALIA: AUSTRALIA OPENED UP WITH STRONG STATEMENT IN SUPPORT OF CHAIRMAN'S TEXT OR JURIDICAL ARTICLES AND GENERAL BIFOCAL APPROACH. OTHERWISE, AUSTRALIA WAS PREPARED TO SUPPORT CHAIRMAN'S TEXT

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ON OTHER ISSUES, BUT WAS ALSO PREPARED TO BE
FLEXIBLE. AUSTRALIA ALSO SUPPORTED INTERIM MEASURES.

--L. FRANCE: FRENCH STATEMENT EMPHASIZED IMPORTANCE
OR JURIDICAL ARTICLES, BUT DID NOT NECESSARILY ATTACH
THOSE ARTICLES. HOWEVER, FRANCE DID CALL FOR CLARI-
FICATION THAT JURIDICAL ARTICLES DID NOT AFFECT
FRENCH JURISDICTION NORTH OF 60 DEGREES SOUTH LATITUDE.
FRENCH AGREED THAT FINANCING SHOULD BE RESOLVED WITHIN
TEXT OF THE CONVENTION AND WAS PRPARED TO SUPPORT
ANY REASONABLE DECISION-MAKING SOLUTION. FRANCE
STATED THAT IT WOULD ADDRESS THE EEC ISSUE AT A LATER
TIME.

--M. NEW ZEALAND: NEW ZEALAND SUPPORTED DRAFT TEXT,
BUT SOUGHT TO STRENGTHEN INSPECTION SYSTEM. NEW
ZEALAND ALSO SUPPORTED INTERIM MEASURES AND CALLED FOR
A PROVISION ESTABLISHING COOPERATION BETWEEN THE
COMMISSION AND COASTAL STATES NORTH OF THE CONVENTION
AREA.

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C O N F I D E N T I A L SECTION 3 OF 3 BUENOS AIRES 5568

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6. CHAIRMAN SUMMARIZED THE COMMENTS BY NOTING THAT THERE SEEMED TO BE GENERAL SUPPORT FOR THE CHAIRMAN'S TEXT, BUT THAT SEVERAL MATTERS DID SEEM TO BE UNRESOLVED. THESE INCLUDED: THE JURIDICAL FORMULA, FINANCING, DECISION-MAKING, THE CONSERVATION STANDARD, AND THE INSPECTION SYSTEM. CHAIRMAN ASKED HOW DELEGATES WISHED TO PROCEED, AND THERE WAS GENERAL CONSENSUS THAT HEADS OF DELEGATION SHOULD MEET TO DISCUSS PROCEDURAL MATTERS.

7. WITHIN HEADS OF DELEGATION MEETING, DISCUSSION QUICKLY FOCUSED ON FACT THAT JURIDICAL ARTICLES AND DECISION-MAKING ARTICLES WOULD HAVE TO BE DEALT WITH IN THAT FORUM. HEADS ALSO AGREED THAT AN AD HOC WORKING GROUP COULD BE ESTABLISHED TO DISCUSS CONSERVATION AND OTHER MATTERS. HOWEVER, DIVERGENCES EMERGED OVER TERMS OF REFERENCE FOR AD HOC GROUP. ALL PARTIES AGREED THAT IT COULD ADDRESS CONSERVATION STANDARD AND OTHER CONSERVATION ISSUES IN ARTICLES 2 AND 8 OF CONFIDENTIAL

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CHAIRMAN'S TEXT; HOWEVER, SOVIETS REFUSED TO ALLOW CONSIDERATION OF INTERIM MEASURES WITHIN AD HOC GROUP. HEADS RESOLVED QUESTION BY ASKING AD HOC GROUP TO BE HEADED BY DICK LAWS OF THE UK TO FIRST LOOK AT ARTICL 2 OF 8 OF THE TEXT, AND THEN TO REPORT TO HEADS OF DELEGATION AND AWAIT A FURTHER MANDATE. 8. IN AFTERNOON OF SECOND DAY, HEADS OF DELEGATION MET AND BEGAN DISCUSSING JURIDICAL FORMULA. JAPAN IMMEDIATELY TABLED NEW PROPOSAL THAT EFFECTIVELY BREAKS DOWN BIFOCAL APPROACH. PROPOSAL CAME UNDER STRONG ATTACK FROM CLAIMANTS. HEADS OF DELEGATION AGREED TO RESUME DISCUSSION OF THIS QUESTION JULY 19. CASTRO

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